

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

UNITED STATES OF AMERICA)
)
)
v.) CAUSE NO. 1:06-CR-2
)
CARLEEN TUTTLE)

FINDINGS AND RECOMMENDATION
OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY

TO: THE HONORABLE WILLIAM C. LEE, JUDGE,
UNITED STATES DISTRICT COURT

Upon Defendant's request to enter a plea of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came on for hearing before U.S. Magistrate Roger B. Cosbey, on January 31, 2006, with the written consents of Defendant, counsel for Defendant, and counsel for the United States of America. Defendant waived in open Court prosecution by indictment and consented that the proceedings may be by information rather than by indictment.

The hearing on Defendant's plea of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant under oath on the record and in the presence of counsel, the remarks of the Assistant United States Attorney and of counsel for Defendant,

I FIND as follows:

- (1) that Defendant understands the nature of the charge against her to which the plea is offered;
- (2) that Defendant's waiver of indictment is knowing and voluntary;
- (3) that Defendant understands her right to trial by jury, to persist in her plea of not guilty,

to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and her right against compelled self-incrimination;

(4) that Defendant understands what the maximum possible sentence is, including the effect of the supervised release term, and Defendant understands that the sentencing guidelines apply and that the Court may depart from those guidelines under some circumstances;

(5) that the plea of guilty by Defendant has been knowingly and voluntarily made and is not the result of force or threats or of promises apart from the plea agreement between the parties;

(6) that Defendant is competent to plead guilty;

(7) that Defendant understands that her answers may later be used against her in a prosecution for perjury or false statement;

(8) that there is a factual basis for Defendant's plea; and further,

I RECOMMEND that the Court accept both Defendant's waiver of indictment and plea of guilty and that Defendant be adjudged guilty of the offense charged in the Information and have sentence imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant adjudged guilty, sentencing has been scheduled for April 17, 2006, at 11:00 a.m., before Judge William C. Lee. Objections to the Findings and Recommendation are waived unless filed and served within ten (10) days. 28 U.S.C. § 636(b)(1)(B); Fed. R. Crim. P. 59; L.R. 72.1(d)(2).

DATED this 31st day of January, 2006.

S/Roger B. Cosbey
Roger B. Cosbey
United States Magistrate Judge